

HOUSE BILL 289

E4

(0lr1542)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Smigiel, Aumann, Bates, Beitzel, Boteler, Carter, Conaway, Costa, Dwyer, Eckardt, Elmore, Frank, George, Haddaway, Jennings, Kach, Kelly, Kramer, Krebs, McComas, Miller, Norman, Schuh, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdales, Stull, ~~and Walkup~~ Walkup, McDonough, Ali, Anderson, Barnes, Bartlett, Beidle, Bohanan, Burns, Cane, G. Clagett, Conway, Donoghue, Elliott, Feldman, Frush, Harrison, Healey, Impallaria, Ivey, Jameson, Jenkins, Kaiser, King, Kipke, Krysiak, Kullen, Levi, Levy, Love, Malone, Manno, McConkey, Montgomery, Murphy, Myers, Nathan-Pulliam, Niemann, O'Donnell, Oaks, Pena-Melnyk, Ramirez, Reznik, Robinson, Rudolph, Stein, Stifler, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

- 1 AN ACT concerning
- 2 **Correctional Services – Child Sexual Offenders – Diminution Credits ~~and~~**
- 3 **~~Parole~~**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
 2 confinement of an inmate who is serving a sentence in a State or local
 3 correctional facility for committing a certain sexual crime against a ~~minor~~
 4 victim who is a child under a certain age; ~~providing that an inmate who is~~
 5 ~~serving a sentence for committing a certain sexual crime against a minor is not~~
 6 ~~eligible for parole consideration and may not be granted parole at any time~~
 7 ~~during the inmate's sentence~~ providing for the construction of a certain
 8 provision of this Act; providing for the application of this Act; and generally
 9 relating to the elimination of diminution credits ~~and parole eligibility~~ for
 10 persons serving sentences for committing certain sexual crimes against
 11 children.

12 BY repealing and reenacting, with amendments,
 13 Article – Correctional Services
 14 Section 3–702 and 11–502
 15 Annotated Code of Maryland
 16 (2008 Replacement Volume and 2009 Supplement)

17 ~~BY adding to~~
 18 ~~Article – Correctional Services~~
 19 ~~Section 7–301(e)~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(2008 Replacement Volume and 2009 Supplement)~~

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Correctional Services**

25 3–702.

26 (A) Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this subtitle,
 27 and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the
 28 Commissioner is entitled to a diminution of the inmate's term of confinement as
 29 provided under this subtitle.

30 (B) **AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF §**
 31 **3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE**
 32 **INVOLVING A ~~MINOR~~ VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS** IS
 33 NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS
 34 PROVIDED UNDER THIS SUBTITLE.

35 ~~7–301.~~

36 ~~(E) AN INMATE WHO IS SERVING A SENTENCE FOR VIOLATION OF §~~
 37 ~~3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE~~

1 ~~INVOLVING A MINOR VICTIM IS NOT ELIGIBLE FOR PAROLE CONSIDERATION~~
2 ~~AND MAY NOT BE GRANTED PAROLE AT ANY TIME DURING THE INMATE'S~~
3 ~~SENTENCE.~~

4 11-502.

5 (A) [An] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN
6 inmate who has been sentenced to a term of imprisonment shall be allowed deductions
7 from the inmate's term of confinement as provided under this subtitle for any period of
8 presentence or postsentence confinement in a local correctional facility.

9 (B) (1) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION
10 OF § 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE
11 INVOLVING A ~~MINOR~~ VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS MAY
12 NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS
13 PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR
14 POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

15 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN
16 INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS
17 AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE WAS CONVICTED.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively and may not be applied or interpreted to have
20 any effect on or application to any offense committed before the effective date of this
21 Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.